

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 09-20536-22-BC
Honorable Thomas L. Ludington

JONATHON GILBERT,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING
DEFENDANT'S PLEA OF GUILTY AS TO THE LESSER INCLUDED OFFENSE OF
COUNT 1 OF THE SECOND SUPERSEDING INDICTMENT, AND TAKING THE
RULE 11 PLEA AGREEMENT UNDER ADVISEMENT**

A plea hearing was conducted on June 29, 2011 by United States Magistrate Judge Charles E. Binder pursuant to the Defendant's consent. Judge Binder issued his report on June 30, 2011, recommending acceptance of Defendant's guilty plea. Either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that Judge Binder's report and recommendation [Dkt # 402] is **ADOPTED**.

It is further **ORDERED** that the defendant's guilty plea as to the lesser included offense of count 1 of the second superseding indictment is **ACCEPTED**, and the Rule 11 Plea Agreement [Dkt. # 401] is taken **UNDER ADVISEMENT**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: July 27, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 27, 2011.

s/Tracy A. Jacobs
TRACY A. JACOBS